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Human rights situations that require the Council's attention

Albania, Australia,* Austria,* Belgium, Bulgaria,* Czech Republic,* Denmark,* Finland,* France, Georgia, Germany, Iceland,* Israel,* Italy,* Japan,* Jordan,* Kuwait,* Latvia, Luxembourg,* Maldives, Malta, Montenegro,* Morocco, Netherlands, Poland,* Qatar, Romania,* Saudi Arabia, Slovakia,* Slovenia, Spain*, Sweden,* the former Yugoslav Republic of Macedonia, Turkey,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution

32/... The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Welcoming the adoption by the Security Council of its resolution 2268 (2016) on 26 February 2016,

Reaffirming its strong commitment to the full respect of sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

* State not a member of the Human Rights Council

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Recalling also that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic, social and cultural rights, civilian protests erupted in Dar'a in March 2011, and noting that the excessive and violent suppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilians, fuelled the escalation of armed violence and extremist groups,

Expressing its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Expressing full support for the efforts of the Special Envoy of the Secretary-General for Syria, with a view to full implementation of the Syrian political process that establishes credible, inclusive and non-sectarian governance, in accordance with the Geneva communiqué and consistent with Security Council resolutions 2254 (2015) of 18 December 2015 and 2258 (2015) of 22 December 2015, urging the Special Envoy to continue pushing the parties to negotiate a political transition, demanding that all parties to the cessation of hostilities in the Syrian Arab Republic fulfil their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to the cessation of hostilities to ensure fulfilment of those commitments and the full implementation of those resolutions, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in Syria and to bringing to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

Acknowledging the ongoing efforts by human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Welcomes* the statement of the International Syria Support Group of 17 May 2016 in Vienna, including its request for the Special Envoy of the Secretary-General for Syria to facilitate agreements between the Syrian parties for the release of detainees and its call for any party holding detainees to protect the health and safety of those in their custody;

2. *Stresses* the importance of achieving a full cessation of hostilities in the Syrian Arab Republic, demands that all parties to the cessation of hostilities in the Syrian Arab Republic fulfil their commitments, and urges all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to the cessation of hostilities to ensure fulfilment of those commitments, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic and to bringing to an end the systematic, widespread and gross violations and abuses of human rights and violations of humanitarian law;

3. *Welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of future accountability efforts, in particular the information on those who have allegedly violated international law;

4. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

5. *Strongly condemns* the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

6. *Also strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), al-Nusrah Front or other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

7. *Further strongly condemns* all attacks against the Syrian moderate opposition, and calls for their immediate cessation, given that such attacks benefit the so-called Islamic State in Iraq and the Levant (Daesh) and other terrorist groups, such as al-Nusrah Front, and contribute to a further deterioration of the humanitarian situation;

8. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by the so-called Islamic State in Iraq and the Levant (Daesh), in particular the enslavement and sexual abuse of women and girls, enforced disappearances and the forced recruitment and abduction of children;

9. *Expresses its deepest concern* about the findings of the Commission of Inquiry on crimes committed against persons belonging to the Yazidi community in the Syrian Arab Republic by the so-called Islamic State in Iraq and the Levant (Daesh);

10. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law, including against women and children, and persons with disabilities, and urges all parties to the conflict not to commit indiscriminate attacks against the civilian population and civilian infrastructure, including against medical facilities and schools as such, to comply with their obligations under international humanitarian law and to respect international human rights law;

11. *Expressing its profound concern* about the escalation of intolerable suffering of civilians in and around Aleppo;

12. *Strongly condemns* the widespread practice of enforced disappearance, arbitrary detention and the use of sexual violence and torture, especially in detention centres run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry, as well as those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations or abuses of international human rights law or violations of international humanitarian law;

13. *Condemns* the denial of medical services in all prisons and detention facilities;

14. *Recognizes* the permanent damage that torture causes to its victims and their families;

15. *Calls for* the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and for the Syrian authorities to publish a list of all detention facilities;

16. *Demands* the immediate release of all persons arbitrarily detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists;

17. *Strongly condemns* any use of any toxic chemical, such as chlorine, as a weapon in the Syrian Arab Republic, welcomes the fact that the Joint Investigative Mechanism, which was established by the Security Council in its resolution 2235 (2015) of 7 August 2015 to identify those involved in the use of any toxic chemical, such as chlorine, as a weapon in the Syrian Arab Republic, became fully operational in November 2015, and demands that the Syrian Arab Republic respect fully its international obligations, including the requirement that it declare in full its chemical weapons programme and eliminate it in its entirety;

18. *Recalls* the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or, transfer, directly or indirectly, chemical weapons to other States or non-State actors;[1]

19. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and in particular to end the arbitrary detention and torture of civilians in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded in resolution 2139 (2014);

20. *Strongly condemns* all use of starvation of civilians as a method of combat, and all besiegement directed against civilian populations;

21. *Condemns* the Syrian authorities' use of heavy weapons, cluster munitions and aerial bombardments, including any indiscriminate use of ballistic missiles and barrel bombs, and attacks against civilians and civilian infrastructure, including medical facilities;

22. *Condemns in the strongest terms* the increasing number of mass casualty incidents, including any which may constitute a war crime, taking place in the Syrian Arab Republic, and requests the Commission of Inquiry to continue to investigate all such acts;

23. *Stresses* the need to promote accountability for those responsible for the unlawful killings of civilians, and also stresses the importance of holding to account those responsible for all violations of international humanitarian law and violations and abuses of international human rights law;

24. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation;

25. *Demands* that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

26. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, and the organized looting and trafficking of its cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015;

[1] See Security Council resolution 2235 (2015).

27. *Also strongly condemns* the reported forced displacement of the population in the Syrian Arab Republic and the alarming impact on the demography of the country, and calls upon all parties concerned to cease immediately all activities related to these actions, including any activities that may amount to crimes against humanity;

28. *Calls upon* the international community to support the leadership and full and meaningful participation of women in all efforts aimed at finding a political solution to the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013 and 2254 (2015), and welcomes the participation of the Women's Advisory Board and civil society in the United Nations-led talks;

29. *Recalls* that the International Criminal Court was established to help to end impunity for such crimes where the State is unwilling or unable to genuinely carry out investigations or prosecutions;

30. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

31. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, as well as reparations and effective remedies for victims;

32. *Emphasises* that all efforts to bring a peaceful conclusion to the ongoing conflict in the Syrian Arab Republic must fully reflect the importance of ensuring accountability for the crimes committed in the country, as a prerequisite to bring about reconciliation and sustainable peace;

33. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence in the Syrian Arab Republic, welcomes the efforts by neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

34. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

35. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, including to hard-to-reach and besieged areas, in accordance with Security Council resolutions 2139 (2014), 2165 (2014) of 14 July 2014, 2191 (2014) of 17 December 2014, 2254 (2015), 2258 (2015) and 2268 (2016), and calls upon Member States to fully fund the United Nations appeals;

36. *Welcomes* the initiative of the United Kingdom of Great Britain and Northern Ireland, Germany, Norway, Kuwait and the United Nations to co-host the London conference on supporting the Syrian Arab Republic and the region on 4 February 2016, which raised new funding to meet the immediate and long-term needs of those affected by the Syrian crisis, and calls upon all members of the international community to respond expeditiously to the Syrian humanitarian appeals and to fulfil all previous pledges, including from the London conference;

37. *Takes note* of those countries outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

38. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation, in order to reach a genuine political transition, based on the Geneva communiqué, consistent with Security Council resolutions 2254 (2015) and 2268 (2016), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, where all citizens receive equal protection, regardless of gender, religion, and ethnicity;

39. *Demands* that all parties work urgently towards the comprehensive implementation of the Geneva communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions;

40. *Also decides* to remain seized of the matter.